

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.15577 of 2013

Date of Decision:06.09.2016

Surender Pal Saini

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. S.K. Sood, Advocate for the petitioner.

Mr. Anil Mehta, A.A.G. Haryana.

P.B. BAJANTHRI J.

In the instant petition, the petitioner has assailed the order dated 15.11.2012 (Annexure P-7) by which the petitioner has been penalized by demanding penal rent of Rs.1,94,400/- which has been calculated 300 times of normal rent from 1.6.2012 to 30.11.2012.

As per the statutory rules, the State is a competent authority who can recover penal rent calculated at 50 times and not 300 times. The Finance Department has issued a circular that penal rent can be imposed by calculating 300 times. By means of an executive order, 300 times normal rent has been calculated and penal rent has been calculated which is contrary to the statutory provision which prescribes only calculation of 50 times of normal rent.

Learned counsel for the petitioner submitted that 50 times calculation of normal rent has been paid which is not disputed by the learned counsel for the respondents.

Accordingly order dated 15.11.2012 (Annexure P-7) is modified to the extent of penal rent demand to 50 times calculation and not

300 times. Since the petitioner has already paid 50 times of normal rent, the petition do not survive for consideration.

Disposed of accordingly.

06.09.2016
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No